

REMARKS

Entry of the foregoing prior to consideration of the subject application on the merits is respectfully requested.

The Office Action Summary correctly indicates that claims 1-15 are pending in the application.

Claims 2 and 7 have been amended in accordance with the election presented herein.

Claims 16 and 17 have been added. Claims 16 and 17 are described in the original disclosure with particular reference to the claims as originally filed. It is understood that claim 17 will be withdrawn subject to the allowance of a generic claim.

No prohibited new matter has been introduced by way of the above amendments. Applicants reserve the right to file a continuation or divisional application on subject matter canceled by way of this Amendment.

Restriction and Election

The Office has required restriction among Groups I to VII set forth on page 2 of the Office Action. Applicant elects Group I, directed to a method for preventing or treating allergic conditions, comprising administering an effective amount of black rice extract to an individual in need thereof. Claims 1-4 and 7-8 have been indicated as corresponding to Group I.

The Office has further required election of species among Formula 1 and Formula 2. Applicant provisionally elects Formula 1, subject to the allowance of a generic claim.

The Office has further required election of a species among the conditions recited in claim 7. Applicant provisionally elects bronchial asthma, subject to the allowance of a generic claim.

In making the requirement for restriction, the Office has alleged that the claims of the application do not share a common special technical feature. In the interest of expediting prosecution, Applicant offers the foregoing election without agreeing with the alleged basis of the restriction requirement. The allegation of the Office does not constitute a rejection under 35 U.S.C. § 102 or 103 and it is understood that the claims of the applicant have not yet been examined for patentability on the merits. Applicants will respond appropriately if and when grounds for rejecting any claims of the application are alleged by the Office.

CONCLUSION

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned concerning such questions so that prosecution of this application may be expedited.

The Director is hereby authorized to charge any appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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